

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:)	Case No. 17-70492-JAD
GERALD MILLER AND CATHERINE MILLER,)	Chapter 13
Debtors.)	
)	Doc. No.
)	Related Doc. No. 57
)	
	X	

ORDER OF COURT CONFIRMING PLAN
AND SETTING DEADLINES FOR CERTAIN ACTIONS

I. PLAN CONFIRMATION:

IT IS HEREBY ORDERED that the Amended Chapter 13 Plan dated **July 5, 2018** (ECF No. 57, the "Plan") is **CONFIRMED**, at the Plan confirmation hearing held on **May 3, 2019**. Objection to the Plan filed by creditor (at ECF No. 76) is overruled. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. Only those provisions which are checked below apply to this case:

- A.** For the remainder of the Plan term, the periodic Plan payment is amended to be _____ as of _____. Debtor(s) counsel shall file a motion to amend the income attachment order within five (5) days of the date of this Order.
- B.** The length of the Plan is increased to a total of _____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C.** Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees.

- D.** Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. § 506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. § 507, and all objections to claims.
- E.** The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F.** _____ shall be paid monthly payments of \$ _____ beginning with the Trustee's _____ distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G.** The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: _____.
- H.** Additional Terms:

***II. IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE
ESTABLISHED:***

A. Objections to the Plan: Pursuant to Fed.R. Bankr. P. 2002(b), this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this Confirmation Order upon its entry.

B. Applications to Retain Brokers, Sales Agents, or Other Professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Debtor(s) counsel or (Debtor(s), if not represented by counsel), must review all proofs of claim within thirty (30) days after the claims bar date. All objections to pre-petition claims shall be filed within ninety (90) days after the claims bar date, thereafter allowing at least thirty (30) days for a response.

D. Motions or Complaints Pursuant to §§ 506, 507 or 522. All actions to determine the priority, avoidability or extent of liens, all actions pursuant to 11 U.S.C. §§ 506, 507 and 522 shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within ten (10) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) also shall file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claims as filed causes the Plan to be underfunded.

III. IT IS FURTHER ORDERED THAT:

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to 11 U.S.C. § 1322(b)(2), nothing

in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on Debtor(s) or counsel for Debtor(s).

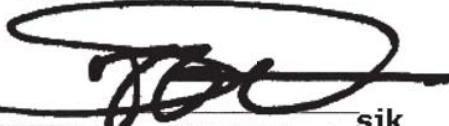
C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payment shall notify Trustee, Debtor(s) Counsel, and Debtor(s) at least twenty (20) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with W.PA.LBR 2016-1 before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a ***Certificate of Default and Request for Dismissal of the Case*** in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an ***Affidavit of Default*** by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

BY THE COURT,


JEFFERY A. DELLER sjk
United States Bankruptcy Judge

Dated: May 3, 2019

cc: All Parties In Interest to be served by Clerk in 7 days from the date of this Order.

Certificate of Notice Page 5 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Gerald Miller
 Catherine Miller
 Debtors

Case No. 17-70492-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: dkam
 Form ID: pdf900

Page 1 of 2
 Total Noticed: 32

Date Rcvd: May 03, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 05, 2019.

db/jdb +Gerald Miller, Catherine Miller, 103 Jacksonville Road, Homer City, PA 15748-1108
 cr +S&T Bank, 355 North Fifth Street, Indiana, PA 15701-1940
 14651648 +ASCAP, P.O. Box 331608, Nashville, TN 37203-7515
 14651649 +Berkheimer, P.O. Box 995, 50 North Seventh St., Bangor, PA 18013-1798
 14651650 +Blackburn Russell Company, Inc., 157 Railroad St., P.O. Box 157, Bedford, PA 15522-0157
 14651651 Brian M. Kile, Esquire, One Gateway Center, 9th Floor, Pittsburgh, PA 15222
 14651652 +CICJSA Sewage, 603 South Main Street, Homer City, PA 15748-1615
 14651653 +CICWA Water, 30 East Wiley Street, Homer City, PA 15748-1543
 14925570 Edna Miller, 103 Palmer Ave., Patton, PA 16668
 14651655 Elderton State Bank, 143 North Main Street, Elderton, PA 15736
 14662386 +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013
 14674963 +First Commonwealth Bank, c/o McGrath McCall, P.C., Four Gateway Center, Suite 1040, 444 Liberty Avenue, Pittsburgh, PA 15222-1225
 14651657 +Fox's Pizza Den, 4425 William Penn Highway, Murrysville, PA 15668-1917
 14747743 +Fox's Pizza Distribution, Inc., c/o Jeffrey Owen, Esq., Cooper Owen & Renner, 1 Priority Lane, Box 419, Murrysville, PA 15668-6617
 14651658 +Gregory & Annette Cusiamo, 50 E. Liberty Street, Homer City, PA 15748-1122
 14651659 +Hugills Sanitation, 779 Front Street, Mahaffey, PA 15757-8909
 14651661 +Jeffrey R. Owen, Esquire, Cooper Owen & Renner, P.C., 1 Priority Lane, P.O. Box 419, Murrysville, PA 15668-0419
 14651662 +MailShark Marketing, 4125 New Holland Rd., Mohnton, PA 19540-8632
 14651663 NuCO2, P.O. Box 417902, Stuart, FL 34997
 14651665 +Penelec, P.O. Box 16001, Reading, PA 19612-6001
 14680336 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
 14652365 S&T Bank, c/o Brian M. Kile, Esquire, Grenen & Birsic, PC, One Gateway Center, 9th Floor, Pittsburgh, PA 15222
 14652364 +S&T Bank, 355 North 5th Street, Indiana, PA 15701-1940
 14651667 +S&T Bank, PO Box 190, Indiana, PA 15701-0190
 14651668 +S&T Bank/Visa, P.O. Box 790408, Saint Louis, MO 63179-0408
 14743832 U S Department of Education, P O Box 16448, St. Paul, MN 55116-0448

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14651654 +E-mail/Text: documentfiling@lciinc.com May 04 2019 02:22:38 Comcast, 676 Island Pond Rd., Manchester, NH 03109-4840
 14651656 E-mail/Text: bankruptcynotice@fcbanking.com May 04 2019 02:22:43 First Commonwealth Bank, P.O. Box 400, Indiana, PA 15701
 14651660 +E-mail/Text: cio.bnccmail@irs.gov May 04 2019 02:22:49 Internal Revenue, Bureau of Collections and Taxpayer Servi, P.O. Box 2811041, Harrisburg, PA 17128-0001
 14651664 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 04 2019 02:23:10 PA Department of Revenue, Bureau of Compliance, 5th Floor Strawberry Square, Harrisburg, PA 17128-0001
 14653367 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 04 2019 02:28:50 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14665158 E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 04 2019 02:23:10 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946

TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr FIFTH THIRD BANK
 cr Fifth Third Bank
 cr Fox's Pizza Den, Inc.
 cr Fox's Pizza Distribution, Inc.
 cr* +First Commonwealth Bank, c/o McGrath McCall, P.C., Four Gateway Center, Suite 1040, 444 Liberty Avenue, Pittsburgh, PA 15222-1225
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
 14887807* +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013
 14651666 ##Peoples Gas, P.O. Box 6766, Pittsburgh, PA 15212-0766

TOTALS: 4, * 4, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-7

User: dkam
Form ID: pdf900

Page 2 of 2
Total Noticed: 32

Date Rcvd: May 03, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 05, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 3, 2019 at the address(es) listed below:

Brian M. Kile on behalf of Defendant S & T Bank bkile@grenenbirsic.com, mcupec@grenenbirsic.com;lstanger@grenenbirsic.com
Brian M. Kile on behalf of Creditor S&T Bank bkile@grenenbirsic.com, mcupec@grenenbirsic.com;lstanger@grenenbirsic.com
Donald R. Calaiaro on behalf of Plaintiff Catherine Miller dcalaiaro@c-vlaw.com, cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com
Donald R. Calaiaro on behalf of Joint Debtor Catherine Miller dcalaiaro@c-vlaw.com, cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com
Donald R. Calaiaro on behalf of Debtor Gerald Miller dcalaiaro@c-vlaw.com, cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com
Donald R. Calaiaro on behalf of Plaintiff Gerald Miller dcalaiaro@c-vlaw.com, cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com
Jacob Oresick on behalf of Creditor Fox's Pizza Den, Inc. joresick@cbattorneys.com
Jacob Oresick on behalf of Creditor Fox's Pizza Distribution, Inc. joresick@cbattorneys.com
James Warmbrodt on behalf of Creditor FIFTH THIRD BANK bkgroup@kmllawgroup.com
James Warmbrodt on behalf of Creditor Fifth Third Bank bkgroup@kmllawgroup.com
James W. Creenan on behalf of Creditor Fox's Pizza Den, Inc. jcreenan@cbattorneys.com, bhancock@cbattorneys.com
James W. Creenan on behalf of Creditor Fox's Pizza Distribution, Inc. jcreenan@cbattorneys.com, bhancock@cbattorneys.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Preston D. Jaquish on behalf of Creditor First Commonwealth Bank pjaquish@lenderlaw.com
Ronda J. Winnecour cmevf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com, srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 16